

**MINUTES**  
**TOWN OF EAST FISHKILL**  
**TOWN BOARD MEETING**  
**OCTOBER 27, 2016**  
**7:00 p.m.**

**REGULAR BOARD MEETING**

The Town of East Fishkill's Town Board Meeting on October 27, 2016 was called to order at 7:00 p.m. by Supervisor John Hickman, Jr. with the Pledge of Allegiance to the Flag.

**Supervisor's Announcements**

Supervisor Hickman gave an update on the Hillside Lake Grant. They got notice from the Army Corps of Engineers that what they are doing does not require a permit. He does not think they will be able to begin construction this year. They are looking at an eight-week construction period.

He thanked Senator Serino for her help with a \$16,000.00 grant for police equipment, her help with obtaining a crosswalk at John Jay, a \$120,000.00 grant for Hillside Lake and she's working on a grant for Julie's Jungle.

Supervisor Hickman stated that Congressman Maloney is working on legal action against the Coast Guard's motion to have barges anchored along the Hudson River.

A press release was received by Supervisor Hickman that was written by Assemblyman Lalor and Councilman Marinaro. Supervisor Hickman spoke about some inaccuracies in the press release. The Board had decided at the October 13 workshop session to not take pay increases in 2017. He spoke about the employment of Attorney Wood and his expertise. He stated that by switching from contractual costs to employment of the attorney the Town saw a savings of approximately \$60,000 per year. The Town has brought many services in-house for financial savings. Out of the 15 surrounding towns East Fishkill consistently has the lowest tax rate. He is very proud of the services provided for \$2.96 per thousand.

Councilman Franco spoke about the joint press release. He asked Attorney Wood to explain his payroll. Attorney Wood stated his fee is \$150 per hour for a maximum of 13 hours a week. The Town pays the pension payment, which brings it up to \$178 per hour. That is the same rate that he has charged since January 1, 2006. The budget line also includes costs for outside counsel that may be called upon during the course of the year. Councilman Franco also addressed the Lime Kiln Road facility use and membership. The net cost of Lime Kiln is \$76,360 per year. There are 544 town residents with active memberships. There are 131 active memberships from GlobalFoundries. Councilman Franco stated he does not take this job lightly.

Councilman Marinaro spoke about the joint press release. He stated he has never taken the pay increase since he has been on the Board. He asked why

paving the roads has not been an issue until this year. He was offended at being questioned as to how he polled the public regarding their feelings on the tax increase. He feels the 6 1/2% increase will negatively impact businesses in the Town. He pulled the sign in sheets from Lime Kiln Road for one week and it was the same 30 to 40 people using the facility all week long. He does not feel the Town should be financing a gym. He stated he is fighting breaking the tax cap for the people who do not get that annual increase in income. He spoke about a letter that was hand-delivered to people that contained his personal e-mail address. The board has the fiduciary responsibility to oversee the spending of any department that they give money to.

Supervisor Hickman stated when they talk about exceeding the tax cap they do try to be objective because they do want to hear the public's input as they do work for them. This would be specifically for one use. It is a one-time proposed increase. The Highway Superintendent is an independently elected official. It is not up to the Town Supervisor to know the mileage of the roads being paved, just to oversee the funds. Between 2008 and 2011 the taxes were raised by the amounts that the assessments were dropped to alleviate some of the financial stress caused during that period. During that time a lot of roads were not paved. Blacktop is the easiest thing to cut from the budget. He does believe they have done a very good job of keeping the taxes as low as possible. The budget for the town is under the tax cap, however the budget for the Highway would be the increase and that is just to pave the roads. That would make East Fishkill the third from the lowest taxed town instead of the lowest taxed town.

Councilman Marinaro stated that although the town has the lowest tax levy in Dutchess County, they are the highest-paid officials in Dutchess County. He did get phone calls and e-mails regarding the letter that Superintendent McClellan put out. He asked why they should increase the budget now for paving when there is still a recession.

Supervisor Hickman stated this is a very large town to run with a lot going on. He relies on the Highway Superintendent for his expertise. He spoke about issues at Worley Homes, which is one area that Councilman Marinaro received a response from.

**Roll Call:** Supervisor Hickman asked Town Clerk Hurray to call the rolls.

Board Members in Attendance were

Peter	Thomas	Emanuele	Nicholas	John
Cassidy	Franco	Marinaro	D'Alessandro	Hickman

Also in attendance were:

Tom Wood, Attorney; Scott Bryant, Engineer; and Mark Pozniak, Comptroller.

**Approve Minutes:**

Approve minutes from September 22, 2016

Approve minutes from October 5, 2016

Approve minutes for October 13, 2016

Motion to approve minutes from September 22, October 5, and October 13, 2016: Board Member Cassidy. Seconded: Board Member Franco. All voted in favor. Motion carried.

**Receive and File:**

Supervisor Hickman stated there was nothing for receive and file.

**PUBLIC HEARING:**

1. Public Hearing to consider the adoption of the 2017 Town Budget and Local Law to increase levy.

Motion to open the Public Hearing: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

Supervisor Hickman stated that the budget he presented to the Town Clerk is under the tax cap. This budget provides drainage and paving for the Highway Department totaling \$600,000. He has asked the board to consider providing an additional \$800,000 for paving only. Every year the town is falling behind on maintaining the roads. With 200+ miles of road the annual budget should be over \$1 million to keep up. It is more expensive to replace decayed roads then to maintain them. He believes this is a reasonable request and he wants everyone to understand they take this very seriously. The town budget is very lean. Recreation is a service the town provides and it always costs money. The Highway Superintendent provided a letter to the Town Board committing to specific roads that would get paving and drainage as well as a plan for future roads to be paved. Their completion dates will be posted on the website. Supervisor Hickman feels this is a very important step towards implementing transparency in the paving program. The cost of this proposal is approximately \$62 per year per house that is assessed at \$300,000. There is an income exemption for seniors, which could lower this amount by up to 50%. There is no rebate check this year for towns that stay within the tax cap. Once this money is in the budget it will be dedicated to paving and it is a one-year thing. The roads listed for next year are East Hook Cross Road, Miller Hill above the TSP, all of Worley Homes, Creamery Road, Lime Kiln Extension, Broadway, Van Brook Drive, Backcourt, Barrett Road, Blueberry Hill Road, Cedar Lane, Forest View Drive, and Orbit Lane. The total for that will be a little bit over \$1.4 million. He then asked if there was anybody in the audience to speak for or against the proposed budget.

Board Member Marinaro stated he has asked the Highway Department for the amount of roads that have been paved and as of now he has not gotten an answer to that yet. He stated there has to be a way for the taxpayers in East Fishkill to be made aware of how their tax dollars are being spent. He has volunteered his time to go look for the records himself and has not been allowed to do so.

Supervisor Hickman stated that per the Highway Superintendent the secretary of the department is on vacation but will be more than happy to provide that information when she returns.

Superintendent McClellan stated that Board Member Marinaro's request was made the day before the secretary was leaving. The records requested were not during Superintendent McClellan's tenure and he does not know where those records are. None of that information is computerized. Superintendent McClellan did ask past Highway Superintendent Miller however he is currently in the hospital and out of service.

Board Member Marinaro asked Supervisor Hickman if these discussions could be postponed until the Highway Superintendent's secretary is back.

Robert Grasso asked if there was a way that this vote could be tabled. He stated if there was a way to save money that should be done first. He stated the roadway in front of his property has been raised almost 18 inches over the last 50 years. He stated this has created a hardship. He stated that in regards to black topping, milling of the roads has to be considered as well as workmanship. If the roads are going to be maintained after they are paved nothing will be gained.

Marty stated the County used a machine on Clove branch Road that dug up the pavement, heated it up and put it back down to be rolled out. The whole road was done in a day. Supervisor Hickman stated this is a very expensive process. Engineer Bryant stated it also depends on the subsurface of the road. He stated a lot of our roads are rotted and that would not work.

Robert Wilbarg stated he was concerned about the fact that the letter he received in his newspaper box had Board Member Marinaro's personal information. He stated that the board keeps referring to the \$62 increase but the Poughkeepsie Journal stated if the tax cap is exceeded people will not get their tax rebates. That could equal around \$280 for people. Attorney Wood stated that the newspaper article is based on the school district levies. The plan for rebate checks for staying within the tax cap is no longer in place for municipalities or counties for 2017. Mr. Wilbarg stated he does not believe Supervisor Hickman should be responsible for overseeing all the details of Superintendent McClellan's proposals. Mr. Wilbarg stated he feels using other towns to say we are the lowest tax rate is misleading due to the fact that this is a richer town. Mr. Wilbarg stated that when Supervisor Hickman was interviewed a few years ago he stated that he believed strongly that

the tax cap should be adhered to. He also stated he went through the budget and the Highway Superintendent is up for raise with only having 10 months in on the job. He stated he did not get a raise at his job for the first two years he was there. Mr. Wilbarg stated that Attorney Wood does get benefits because state mandated benefits are still benefits. He asked how Board Member Franco got the number 500 for people who use the Lime Kiln Road Facility. Board Member Franco stated he pulled the active roster. Mr. Wilbarg stated that is not the people who use the facility. Mr. Franco stated East Fishkill does have a tremendous recreation program. He listed various programs provided by the town. All of these services cost money and recreation does not exist to make a profit. The total cost of operating Lime Kiln Recreation Facility is \$76,360. There are 675 people who have active memberships. The senior program costs more than Lime Kiln and that should not be shut down either. Mr. Wilbarg said the library used to have a \$100,000 budget line and then they broke off and had their own budget but that dollar amount has remained in the baseline for the town budget. He asked if next year's budget would be compared with the increased paving line in or out. Supervisor Hickman stated it would be in. He stated they do a year-by-year budget and if they ever got caught up that amount could be taken back out. Mr. Wilbarg stated if they do not get the water done before they pave Worley Homes its money thrown down the drain. Board Member Marinaro stated that he has been told the paving is a 15-year program. He stated that there are the same 30 to 40 people using the Lime Road Facility everyday. The fact that the board does not want to address cuts is an issue. He will continue to fight to reduce the tax liability to the community. Board Member Franco asked why Board Member Marinaro voted against saving the taxpayers \$1.8 million on the bond vote. Board Member Marinaro stated that specific bond was for paving in that same year that department had received approximately \$800,000. Board Member Franco stated that the interest rate lowered for that bond so it was saving money. Comptroller Pozniak stated all the bonds keep all their original expiration dates. Board Member Cassidy said he believes the money was borrowed on a year when they had no money and did not want to increase taxes so they bonded to borrow to put money into black topping. Supervisor Hickman stated he believes these bonds were to purchase five 10 wheelers and some was used for black topping. You could sell the bonds and lower the interest rates. Supervisor Hickman stated that the Town Board reviews budgets every year. If the paving project is not working they will not re-fund it. The Town Board could always reduce the budget or put those funds someplace else. This vote does not automatically bind the board to this. The Highway Superintendent may have laid out a 15-year plan; the budgeting is done one year at a time so it can be changed at any time.

Robert Grasso stated he was under the impression this would be a \$62 increase for one year only. Now he is hearing that is not the case. Supervisor Hickman stated that dollar amount would stay in the budget. Mr. Grasso said milling will have to be addressed for people whose roadway has increased every year.

Marty stated that the senior center saved his life after his wife died. The people

who work there do a great job. Board Member Franco stated he would never consider closing that down. He would like to do more.

Bill Green stated that the senior center has been expanded. It is a great facility and greatly run. Julie's Jungle is at Lime Kiln and it is another great project. If they want to get more people to use that facility they need to put some money into it. He stated they try very hard not to increase the fees on recreation events. He thanked the Board for keeping that money in the budget.

Ed Sloshower felt that asking the high school students to leave tonight's meeting was unacceptable. The students were there to fill a requirement for their Participation in Government class. He asked for clarification regarding the tax refunds going forward for the tax cap. Attorney Wood stated there are no rebates for non-school municipalities. He stated he feels this is important for the community to know how many roads were paved in prior years. There is no specific line item for paving in prior years; it is lumped in with drainage. It is impossible to know, looking at the budget, what funds went where. Mark Posniak stated it was separated out approximately 3 years ago. Mr. Sloshower believes if you are trying to convince the community they need to do this project then they need a clearer understanding of where their money went and why it was spent. The budgets do not indicate if there were emergencies that cause money to be moved out of that line. Home purchases have declined over the past few years and it is a concern that there are so many houses for sale in our area. There are also a lot of vacant retail areas. Health insurance costs have increased greatly for people as well as all other daily expenses like groceries. Having to find an extra \$62 a year for a family on a tight budget can be the difference between having heat or not having heat. He asked the Board to take those things into consideration. He stated he does appreciate what the Highway Superintendent is trying to do but he does believe the information should be more readily available for past paperwork. He also feels that if there is an opportunity to sell an asset such as the property across the street, it is something that should be considered. He stated he is glad that the Town got a county grant of \$100,000 for the Route 52 corridor. He is concerned that it was the Town's own money as they took away the sales tax income. He asked the Board to strongly consider a letter or some sort of advocacy to pressure County Executive Molinaro. The Town needs this money back. Supervisor Hickman stated they will be meeting with the County Executive. Mr. Sloshower believes all the local politicians need to be involved. He also stated he believes if it tax increase is in order there should be no discussion of a PILOT program with either the dome project or the project across the street. You cannot ask the community to raise their taxes and have these new projects not pay their fair share. Supervisor Hickman stated a PILOT does not always reflect a bargain. Mr. Sloshower asked how much was currently in the paving budget. Supervisor Hickman stated he believed it was \$600,000. With the proposed increase it would generate an additional \$800,000. Mr. Sloshower asked if the money was not used in one year for paving would he be carried over for the next year. Supervisor Hickman said yes. Mr. Sloshower stated that

everyone knows the taxes will not go down. Once the \$62 is in there it will be there for good. He asked Attorney Wood if, as a municipality, the town would be allowed to charge a yearly assessment per parcel. Attorney Wood said not on a town wide basis for a project like this. Paving is maintenance issue, not a capital project. If it was a capital project they could establish a capital account for the funds to be just used for that project. He believes the intent is to do the same with this as if it were a capital project. If it becomes an issue where the project is no longer needed the town could readjust the budget and reduce all the taxes for that year. Mr. Slosower stated he wants the Board to please be aware of all the other costs and aspects that go into this decision. He stated he is not sure that any decision could be made with all of the missing information from the past. He believes as a community we need to work together but there needs to be transparency.

Mr. Green stated the reason he asked if the Board could release the students was because there are many senior citizens and living here standing as there were no more chairs.

Keith Demaso stated that at the last meeting, Board Member Franco stated there were approximately 1500 visits to the Lime Kiln Facility per month. Supervisor Hickman explained there is a contract with GlobalFoundries to allow their employees to pay a reduced membership fee. Mr. Demaso stated based on the 544 residents who are members and the 1500 visits per month there are approximately two or three visits per month for these people. He stated it is a tax burden on the entire town. He stated as far as paving Worley Homes, why couldn't they put a lien on the owner of the water district in case the roads has to be dug up. Attorney Wood stated they would need to get a road opening permit and there are requirements for how it is re-bid and repaired. Mr. Demaso stated he appreciates the presence of the Highway Superintendent in his residential area in hopes that it will correct the neglect that has gone for many years. He read a written statement stating his opposition to the 6.2% tax increase. It will have an exponential effect for future years. He feels it is foolhardy for the Town to commit to a tax hike with so many ambiguous sides.

John Curzio asked if all of the elected officials were refusing their pay increases. Supervisor Hickman stated he has not spoken to all of them. He stated as far as tax cuts, part-time employees such as the Council members and the town supervisor pay a small percent of their health care costs whereas in the private sector people pay 25% or more. He does not know of any business that would give full-time benefits to part-time employees. He believes that issue should be addressed. The tax receiver's position was a part-time office and then added a second function. They no longer have that second function but have stayed a full-time position. The cost of the employee portion healthcare changed from 15% to 10%. The state comptroller for the State of New York assessed 1000 municipalities and 1.5% were rated severely fiscally stressed and East Fishkill was one of them. That means that 98.5% of municipalities are on more sound

fiscal footing then East Fishkill. Comptroller Pozniak stated East Fishkill has been upgraded. Supervisor Hickman stated that was based on the fund balance and when this study was done they had expended money from the fund balance for different projects such as the EPA project across the street and some storm issues. As the fund balance has built back up and is currently at approximately \$2 million they have upgraded East Fishkill's rating. Mr. Curzio stated the history explains how East Fishkill got to where it is now. Supervisor Hickman asked what the Town's bond rating was. Comptroller Pozniak stated it is AA2. Mr. Curzio asked about recycling asphalt to reduce costs. Supervisor Hickman stated that has been addressed. It depends on the road base and it will not work for most of the Town's roads. Engineer Bryant stated there is a report they came out with regarding the lifecycle of pavement and if you stay on top of the roads you can do that milling but as roads are not taking care of for 20 years or so, you cannot do that. Mr. Curzio asked if the funds could be kept in the general fund in a lockbox situation. Supervisor Hickman stated he has not thought about that. He was going to put the funds into the Highway Paving Budget as he has a lot of faith in the Highway Superintendent. They will see all the tickets for any purchases of materials. Attorney Wood stated that paving projects are bid out and they come before the Town Board and the Town Board enters into the contract. It is all done at a public meeting also. It requires a majority vote of the board to approve the contracts. Mr. Curzio stated this decision is huge upon the Town Board. He stated any increase, even a \$62 increase, could have major effects on someone's lifestyle. Supervisor Hickman stated they do take this decision very seriously. Mr. Curzio stated he is personally opposed to this. He feels not only the town, but the state and the county are all not on stable financial footing.

Mr. Nesheiwat stated he has homes and businesses in this town. His only concern is that the money goes solely for repaving the roads. He stated the roads need to be repaired, but the money has to be guaranteed that is going to that purpose and that purpose alone. He stated that regarding the town attorney, there are many projects in this town and probably one or two of those projects would pay the attorneys salary for two or three years. He believes that we have a great bargain with the town attorney. He believes Attorney Wood deserves a lot more. He stated that he welcomes any improvements on town or state or county roads. Mr. Nesheiwat stated he just wants to be sure that the funds allocated to the roads are used solely for that purpose. Supervisor Hickman stated that the intent of the funds is for paving solely.

Claudia Heckert stated she is the Receiver of Taxes for the Town. She said she has had many passionate discussions with various board members over the last week. Anytime you talk about money they can be uncomfortable. She stated they all do more with less everyday. She stated she does find the sign board stating anything about throwing Granny off the cliff offensive. She stated that she has not always taken a raise. For two years she allocated her raise to her deputy. This year she will be taking her 1 1/2% raise if approved by the Board. The water billing is now being done by her deputy under the supervision of the finance office.



Ms. Heckert's office does the receiving and re-levying of the sewer and water bills. The town has grown. When she took office there were four water districts and now there are 15 and five sewer districts. There are more coming with the EPA Superfund site and across the street. As elected officials the Board has been elected to do their job in the community's collective best interest. She believes if the community did not trust them to make the right decisions they would not be sitting where they are. She asked that the sign be removed as it is offensive and not informational.

Kiernan Lalor stated he is a New York State Assemblyman. His office is in Hopewell junction and he is a resident here. He stated that he heard from the October 13 workshop that everyone was happy with the tax increase. He has spoken to many, many residents and no one has said they are happy with the tax increase. When he started asking around he found out people are not happy with it. He spoke with Board Member Marinaro to try to find out what people really do think and to make sure they are aware of the possibility of going over the tax cap. Assemblyman Lalor stated in regards to the attorney's benefits they are only mandatory if the town chooses to make them mandatory by making the attorney an employee versus putting him on a retainer. If he were an independent contractor you would not have to pay his benefits. He stated EJ Mann, the fiscal watchdog of the state, called the attorney's employment a "sweetheart deal". We have a town attorney who, between his two jobs, makes more than the governor. That is a red flag. He stated that regarding his membership to Lime Kiln, he filled out paperwork for his children and was asked if he wanted his membership. He has never stepped foot in the facility other than that. He feels Board Member Franco's numbers are flawed as he believes the majority of the people on that list have never stepped foot into the facility. He stated the easiest way to solve money problems are to go to the taxpayers. The harder things are finding places to cut or property to sell. He feels the taxpayer needs to be defended. The last option should be to go to the taxpayer, especially if you have to go over the tax cap. He asked Supervisor Hickman if he feels a municipal attorney should be paid more than the governor. Supervisor Hickman said he thinks Attorney Wood is worth more than the governor. He stated what the attorney does for this Town is very impressive. Assemblyman Lalor stated every law firm deeply discounts for municipalities. It is a standard process. Supervisor Hickman stated they do defend the taxpayers. Board Member Franco stated East Fishkill has the lowest tax rate around. Attorney Wood stated issues regarding his employment stems from a disgruntled chief of police from Cortland who maligned him. Attorney Wood is a part-time employee with two municipalities. There are over 750 other people who were listed with the Empire Institute also. He is not listed as the top two or three paid people as Assemblyman Lalor claims. He stated if you were doing this is a contract attorney he would be charging \$250-\$300 per hour. That is his discounted rate. He has close to 40 years experience as a municipal attorney and that is the going rate. The Town of Cortland pays him benefits and that is why they pay less per hour. The State Comptroller's office has come down and audited Attorney Wood situation and reviewed everything and certified it all as in

accordance with State Law. Legislature in New York State requires all municipal employees to be a member of that pension. The New York State health insurance plan is negotiated through Albany between the state of New York and the unions in Albany and approved by the Legislature. That is the plan that is offered to all employees in East Fishkill. He stated neither Assemblyman Lalor nor any of his employees have ever called to talk to him or ask him about his employment or compensation. Assemblyman Lalor said Attorney Wood asked to take the benefits because he chooses to be an employee. The assemblyman's office has saved the taxpayers approximately 1/3 of \$1 million in four years. \$100,000 of that is compensation that the assemblyman chose not to take. That's what leadership is. On average people in Dutchess County have not received a raise in past years but their living costs continue to increase. Attorney Wood stated the system the Town Board has in place since he has been hired saves approximately \$65,000 a year by switching from a contractor to employee. By switching the engineer from a contractor to an employee is saving hundreds of thousands of dollars a year. The Town has shopped their insurance and saved hundreds of thousands of dollars there also. Assemblyman Lalor stated very few towns in the area are going over the tax cap. This will be a red flag in terms of real estate prices. He feels this is a bad decision. He does believe there is money there without exceeding the tax cap.

Supervisor Hickman stated they are very stringent working on behalf of the taxpayers. They do take this very seriously and have never been over the tax cap before. This increase is purely for roads. He stated he does not know how many people would be willing to buy a house on a road full of potholes. He believes good roads benefit everyone. Shared services are a big topic. The Town shares the assessor with another town and the planner with another town. The attorney is also shared with another town. This seems to work. When you contract out engineering, planning, and the attorneys, sometimes you don't get the service, and you can get excess billable hours. It is incredible the amount of work that gets done with having these people in-house. The GlobalFoundries project would not have gone forward without Attorney Wood. He knows municipal law and was able to do this eight-lot subdivision. When you need him he is available and comes here or will conference call. He is invaluable as are the rest of our professionals. We all worked very hard for the taxpayers in East Fishkill. Board Member Marinaro and I will continue to disagree on Lime Kiln Facility. We could sell property across the street but do we want to do that under duress or hold it until the right project comes along that it would be perfect for. That would be a fix to sell it for \$1 million this year but next year we would be in the same boat. The people that I have been able to speak to and explain this to understand that we need good roads and they want good roads.

Claudia Heckert stated East Fishkill does allow for a primary and a caucus and they are not mutually exclusive. She thanked Attorney Wood for always being available and responsive.

Tom Langtry stated he lives in Four Corners. He is an accountant and tax practitioner. He stated he was here as a result of Assemblyman Lalor's news release. He stated he has the utmost respect for the Board. He does not know much about paving or about Lime Kiln but he does know about taxes and labor costs. He stated in the private sector labor costs can drive you out of business. In the public sector there is always the ability to tax. The IRS has criteria to determine who is an employee and who is an independent contractor. It is not cut and dry. He stated he respects Attorney Wood and knows he's underpaid in general for what he does. He stated that it seems that Attorney Wood would be considered an employee in Cortland. He questioned why East Fishkill would take him on as an employee when it seems he should be an independent contractor. It would probably pass with the IRS if he was treated as an independent contractor. It might be just one line item but it is incumbent upon the Board to put every line item under the microscope. Wherever they can save money they certainly showed. Attorney Wood stated that the same test with the IRS is the same as what was applied with the state comptroller's office when they came here. If he did not meet that criterion, he would not be able to be a member of the pension system in both towns. There has been an outside review of this. Board Member Marinaro asked what forensic auditing means. *(Mr. Langtry was not near the microphone and audio could not be made out).*

At 9:55 p.m. Supervisor Hickman stated the Board would take a 5-minute break.

At 10:10 p.m. the meeting resumed.

John Curzio stated his understanding was that part-time employees are elective for a pension and full-time employees have to join the New York State Retirement System. Supervisor Hickman stated all employees have to be offered the pension system. Attorney Wood stated this does not apply to him as he is in the pension plan with another municipality. Comptroller Pozniak stated any permanent employee has to be in the pension plan. You can opt out if you are not full-time. Attorney Wood stated when employees first entered the pension system they pay in to it. Years ago a gift was given to the enrollees that they only had to pay for 10 years. If you are hired now in Tier 6 you contribute a percentage based on your salary range, you cannot earn more than the governor, and there are a few other modest reforms.

Resident #1 stated he has questions regarding the ambiguity of the tax increase. He feels that when proposing this to a town of 30,000 people there should be a visual representation of the work proposed to be done. He does not mean to question anyone's integrity and he understands the cost of roadways is incredibly expensive but without showing the past 10 years expenditures and what it has gone to, in layman's terms, it is difficult to understand. He stated he is against this until he could clearly understand where his money is going.

Highway Superintendent McClellan stated he has completed a full road

assessment for every road in the Town, all 208 miles of it, that was done by himself and the people at the Highway Department. Every road was classified and they received help from the Town Engineer and the Town Board. Everyone received a copy of it. Superintendent McClellan asked that it be put on the website so the residents will know if his proposal for exceeding the tax cap was done. He cannot speak to what has happened in the past. Regarding the letter that he hand delivered was delivered to every road that was proposed to be paved in 2017 and the Hillside Lake community, as their feeder roads are proposed to be paved in 2018, Channel 22 has all of the Council members names listed and a phone number. That is the phone number he used on the letter. The number is already on public record. He stated he has received numerous e-mails from the Hillside Lake community and Board Member Marinaro's e-mail has been on them. That is where he got that e-mail for his flyer. He stated if Board Member Marinaro feels Superintendent McClellan is wrong for putting his e-mail and number out on the flyer, he apologizes. Superintendent McClellan stated he was just using numbers that were already out in the public. He stated he can guarantee that if the tax cap is exceeded and his proposal is adopted his report will be on the website and everyone will be able to see it and know exactly when roads are going to be resurfaced and the costs. Supervisor Hickman asked about the letters that Superintendent McClellan put out. Superintendent McClellan stated he paid for the printing himself and put them in either the Journal newspaper box or on the flag of the mailboxes. He did not insert any letters into any mailboxes. It was a rainy day when he did it. Supervisor Hickman asked if he got any response from constituents. Superintendent McClellan stated he has gotten 22 responses between phone calls and e-mails. He explained to a senior citizen about the sliding scale and got many phone calls from Worley Homes. He had to explain that the town cannot do anything to the water system there as it is a private system. If the plan is not adopted and the tax cap is not exceeded, Worley Homes and a majority of the other roads will not be paved. The only ones that will be paved next year is East Hook Cross Road from Lime Kiln Extension to Shenandoah and Miller Hill above the TSP. Supervisor Hickman asked for any copies of letters or e-mails to be given to the Town Clerk for the record for the evening. Board Member Marinaro said that in Superintendent McClellan's letter it stated that he had the support of the majority of the board. Board Member Marinaro stated the postmaster general came to his place of business to tell him that what was done was illegal. He stated that even though he gave his personal e-mail to some people it was not all right for Superintendent McClellan to give it out to the public. He stated that at one meeting superintendent McClellan yelled at the recreation director for giving out his number regarding calling about the fields. Superintendent McClellan stated his phone is paid for personally and he does not give it out to John Q Public. The Police Department, the Town Board, and several other people do have that number in case there is an emergency and they cannot reach anyone else. His e-mail is available for anyone to use. He apologized again for giving out Board Member Marinaro's e-mail address. He stated that his letter stated the majority of the board had a positive response to his plan, meaning they were willing to listen to it. He stated that Board Member Marinaro has not been in

favor of exceeding the tax cap. He stated that he does understand it is a difficult decision for the Board to make. He stated that he will make sure that the board has accountability for the past funds for as far back as he can go. He also suggested that Board Member Marinaro contact the Town Comptroller as he pays all of the bills and that would be another avenue to find the information while Jean is gone. Board Member Marinaro stated that he did send a request to come in himself and look through the records and was denied. Supervisor Hickman stated the response from the superintendent said that when the secretary came back the information would be provided.

Resident #2 stated she has lived in East Fishkill for 29 years. She stated she voted against her party line for Board Member Marinaro so there would be someone to represent Hillside Lake. She stated he continues to fight for all the taxpayers of the Town. She stated she is not happy with the behavior of the Board. She questions the overtime of the Highway Department in past years. She stated they need to be sure these mistakes are not made again. She stated if there had been better supervision of the Highway Department in the past maybe they would not be forced to exceed the tax cap now. She does understand they need to fix them before they get worse because that would cost more. She did thank Superintendent McClellan for his detailed information as she feels it is the most information that has ever been made available. However, she does not want the e-mail that she sent to him to be made part of the public record as that was not her intent when she sent it. Supervisor Hickman stated that would not be made part of the record. She does not believe that anyone's personal e-mails should be made part of public record. She stated her e-mail does not reflect her opinion on the whole issue. She believes this needs to be considered further and tonight is not the time to take a vote on this. Mistakes that have been made in the past need to be discussed and reconsidered. She feels a tax hike of this value should be done with more consideration. She asked why there was \$650,000 in overtime for the Highway Department and the explanation was it could possibly have been due to storms. She stated many times in past years she has been woken up overnight multiple times hearing plows scraping a bare road. She suggested contracting out the off-hours so overtime does not need to be paid to employees working overnight. It concerns her that Supervisor Hickman has said many times that he is not the Highway Superintendent but tonight he said that he is the Highway Superintendent's supervisor but it sounds like he is not supervised. That is a huge concern to her. She stated if she was a supervisor at any other job she has held, she would be fired if someone asked her what someone was doing and she said she just lets him do his job. She stated that the past Highway Superintendent said many times that Hillside Lake is an impaired water body and that the trucks with the salt meters should be there, but the excuse has always been that the trucks are too big for the lake. Those trucks are smaller than Royal Carting garbage trucks, which do just fine in any kind of weather on those roads. She feels the town is continuing to pollute the lake without making any effort to correct it, as there is no filtration system there yet. She stated she agrees with Board Member Marinaro in that there need to be cuts. It seems he gets shot down

every time he makes a suggestion and he is representing the taxpayers. She does not feel it is appropriate for the town to be raising taxes and donating money to specific nonprofit groups. She stated they are nonprofits that she may not herself want to donate to but she is being forced to through the raising of taxes. She would rather make her own donations as a tax deduction then have her tax money used for donations. She hopes that no vote is taken on this tonight. She also feels Lime Kiln Facility needs to be reviewed. Many times they have asked to raise taxes to improve the recreational value of Hillside Lake and have been told no. She does not feel that is fair as she feels it is an unfiltered storm water basin for many residents, not just Hillside Lake. Supervisor Hickman asked Comptroller Pozniak for an explanation of the \$600,000 overage. Comptroller Pozniak stated there is almost no employee overtime in that number. It is largely contractors and materials. Supervisor Hickman stated it was just after two terrible winters. He cannot say whether or not the Highway Superintendent over plowed the roads but they had to make sure that the roads were in perfect condition. Supervisor Hickman stated he does not oversee the Highway Superintendent as he is an equally elected official. They have no authority over each other. He does rely on him. Attorney Wood stated that each year the Town engages a certified auditor and each member of the Town Board gets a copy of that audit. Any issues that are found are reported or discrepancies between what was appropriated by the Town Board and the expenditures they are found then. The town goes out to bid with private contractors for a large portion of the snow removal. That money is budgeted as contractors in the Highway Fund. The audits show that all of the money has been properly appropriated. Supervisor Hickman stated the Town has always supported the Historical Society and they have a budget of approximately \$25,000. They have also always supported the veterans in the town. And they have taken over the depot. He will look into her point about donations. Resident #2 stated maybe there needs to be outlines for how often plowing gets done regarding the overages. Board Member Marinaro stated he Town Board has the fiduciary responsibility to keep track quarterly as to the expenses. He feels it is the Board's responsibility to make sure that everyone sticks to their budget lines. Supervisor Hickman stated he does try to keep up with all of the department heads weekly. They can go back and review vouchers from past years to track expenditures.

Greg Vote stated he has lived in East Fishkill in Hillside Lake for 45 years. He believes they need to look forward. He believes the new Highway Superintendent has done a lot of work to assess the roads and what needs to be done. He encourages the Town to give it a year to see if everything can get done as promised. He believes the Town needs to invest in its infrastructure to avoid problems down the road. He believes there are some circumstances that warrant breaking the tax cap.

Bob Shultis asked what newspaper the legal notices are published in. Supervisor Hickman stated they are published in the Southern Dutchess News. Mr. Shultis asked if they could be put in the Poughkeepsie Journal as a lot of people do not

get the Southern Dutchess. He asked if breaking the tax cap would forfeit the town's rebate and Supervisor Hickman stated that there are no rebates for this year. Mr. Shultis stated that when all of the Town's services were addressed Supervisor Hickman did not address the Fire Department. As they are all volunteers and worked very hard he asked that Supervisor Hickman please remember them. Supervisor Hickman stated he knows they work very hard and appreciates all that they do.

Bill Scidal stated he is lived in town for 30 years. He stated the Police Department is fantastic and the Highway Department is always taking care of the roads. He would like to see Superintendent McClellan given the chance to see if he can get it done as promised. He stated the Town Board is the nucleus of all of the departments within the Town.

Dave Palin asked if the Star Program would be affected by exceeding the tax cap. Attorney Wood stated no, the Star is just in regards to school district funding. Mr. Palin asked if exceeding the tax cap then became the baseline for future years and Supervisor Hickman said, yes unless the money is removed at a later year.

Bill Hatcher stated the tax cap was put in place because taxpayers in this area pay some of the highest taxes across the country. It is incumbent of the town board to understand the pain of the citizens. They need to see that cuts are being made everywhere before they are asked for a raise in taxes. Supervisor Hickman stated there really is not much left to cut. They have gone through the budget with a fine toothcomb. There will always be disagreement regarding Lime Kiln. It is a beautiful facility and they have a contract with GlobalFoundries for their employees to use the facility for a certain amount of years. It was set up to offset the "mortgage payments" in a way.

Resident #3 questions if the bonding that had been done was just for paving or for equipment also. Supervisor Hickman stated he believes they purchased some trucks as well as did paving. Comptroller Pozniak said it was for paving and trucks. Some of the trucks have been auctioned off as they got older. Resident #3 stated we are paying off roads that were bonded then still and they are going to have to be paved again and they haven't been paid off yet. He hopes that the Board does not make a vote tonight with all of the information they heard.

Supervisor Hickman asked if there was anyone else from the public to speak. There was no one.

Board Member D'Alessandro stated they have heard a lot tonight. He knows the roads are not going to change and they need to do something about it. They need to have some sort of a plan. He stated by bringing the engineering department in-house they saved over \$250,000 a year. They had a more cost-efficient solution for the water and sewer problems because the engineer is well trained in that aspect. They have done better pricing with contracts and had more oversight on

work being performed. They save more than \$65,000 a year by having the attorney as an employee versus the last attorney that was a contractor. His average cost was \$249,000 annually. In 2005 they were charged \$429,840 for the attorney. They saved over \$77,000 annually by bidding out the water and sewer operator. They have initiated changes in the health and liability insurance for savings also. That was a savings of over \$350,000. Staffing is down from 2008. They are down 21 people. As people have left, jobs have been combined and people have not been replaced. The tax cap has never been exceeded to date. The Board is very diligent with taxpayer money. They have a phenomenal Police Department also. He does not want to see the taxpayers pay more later because they have waited on fixing the roads. All the questions that were answered tonight have to be answered and he is sure that they will be. He is glad they were brought forward. The price to fix the roads however is not going to change. This has been a discussion for the five years that he is been on the Board. Five years ago Board Member D'Alessandro was told by the Highway Superintendent that he needed a \$1 million annual budget to maintain the roads. He feels they need to have a workshop discussion about just Lime Kiln to see if they can save funds there. It will need to be reviewed. He stated that year after year the costs have increased and the revenue has decreased but the tax rate has stayed flat. That means for every dollar that was spent there was a corresponding dollar saved. It is a tough decision to make. He does not feel they will save any money by waiting.

Board Member Cassidy asked exactly what day the vote had to be made by for the budget. Attorney wood stated it has to be adopted no later than November 20. Board Member Cassidy asked Superintendent McClellan when Jean gets back. Superintendent McClellan said the first of the month. Board Member Cassidy asked if she could have paperwork for the Board to review by the seventh or eighth as there is another meeting on the 10th. He stated he believed they could come up with some idea by then. Board Member Cassidy said he would be happy with five years back. He knows that they broke out the blacktop from the drainage approximately 3 years ago so he would like to go back a little bit further. Comptroller Pozniak stated they do have limited records that go way back but vouchers with invoices are only maintained for five or six years. Board Member Cassidy would like to wait until they get more information before they make a decision. They do have time with having a meeting on the 10th. Board Member Marinaro does have vouchers from 2006 that have some paving information on them. He believes there was \$150,000 spent between paving and drainage that year.

a. Close Public Hearing

Motion to close the Public Hearing to consider the adoption of the 2017 Town Budget and Local Law to increase levy: Board Member Cassidy: Second: Board Member Franco. All voted in favor. Motion carried.

Supervisor Hickman stated they would consider this further at the November 10



meeting.

Attorney Wood stated that motions for the resolutions could be made together. Supervisor Hickman stated they are pulling Resolution 4 regarding the barges. Board Member Marinaro asked if the wing trucks are truly necessary. Board Member D'Alessandro stated nobody put in a bid for that. Supervisor Hickman stated this is something that they really do need. They are used on wider roads and cul-de-sacs.

### **Resolutions:**

- 1. Hire a Part-time Typist**
- 2. Request for Rezoning/Refer to Planning Board**
- 3. Authorize Carnival Event and Use of Fields**
- 4. Opposing Barge Anchoring in Hudson River**
- 5. Set Road Name to Old Peckslip Road**
- 6. Consent to Formation of GlobalFoundries Sewerage Works Corporation**
- 7. Grant Duty Weapon to Police Department Retiree**
- 8. Zoning Board Refund**
- 9. Authorize Extension for Town Road Acceptance**
- 10. Authorize to Execute Easement/License Agreement for Water & Sewer Improvement Areas**
- 11. Authorize out of District Agreement for Water Supply for 6 Rapelje Street**
- 12. Authorize Waiver of Building Permit Fee for Wiccopee Fire Company**
- 13. Award Electrical Bid for John Jay Sewer Improvement Area**
- 14. Set Public Hearing for EyeTooth Corporation**
- 15. Award Highway Re-Bid**
- 16. Accept the shelter from the East Fishkill Soccer Club that was donated to them by Orthopedic Associates, to be kept in the Route 52 sports complex.**

Motion to accept Resolutions one through 16 with the exception of resolution number 4: Board Member D'Alessandro. Seconded: Board Member Franco. All voted in favor. Motions carried.

### **Budget Transfers:**

Supervisor Hickman stated there were no budget transfers this evening.

### **Take Public Comments on General Town Issues:**

Supervisor Hickman asked if there was anybody in the audience who would like to speak on general Town issues. There was no one.

**Motion for Adjournment: Time:** Motion to adjourn at 11: PM: Board Member Cassidy. Seconded: Board Member Franco. All voted in favor. Motion carried.

**Town Board Regular Meeting:**

**November 10, 2016**

Respectfully Submitted by Julie J. Beyer – November 30, 2016 – On Behalf of  
Town Clerk Carol Hurray